



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/825,533	06/29/2010	THOMAS J. BURRIS	IN920100012US1	1886

68585 7590 12/02/2016  
PATENTS ON DEMAND, P.A. - IBM CAM  
4581 WESTON ROAD  
SUITE 345  
WESTON, FL 33331

EXAMINER
----------

AFRIFA-KYEI, ANTHONY D

ART UNIT	PAPER NUMBER
----------	--------------

2682

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

12/02/2016

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing1@patentsondemand.com

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

*Ex parte*

THOMAS J. BURRIS and ANANTH KALYAN CHAKRAVARTHY G

---

Appeal 2015-005999  
Application 12/825,533<sup>1</sup>  
Technology Center 2600

---

Before DEBRA K. STEPHENS, KEVIN C. TROCK, and  
SHARON FENICK, Administrative Patent Judges.

FENICK, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants seek our review under 35 U.S.C. § 134(a) of the Examiner's Final Rejection of claims 8–27. (Appeal Br. 8, 18.) Claims 1–7 are cancelled. (*Id.* at 22.) We have jurisdiction over the appeal under 35 U.S.C. § 6(b)(1).

We AFFIRM.

---

<sup>1</sup> According to Appellants, the real party in interest is International Business Machines Corporation. (Appeal Br. 3.)

*Invention*

Appellants' invention relates to a message from a user on a mobile electronic device, which includes metadata associated with the current location of the mobile electronic device and a subset of tags. (Abstract.)

*Representative Claims*

Claims 8, 11, and 19 reproduced below, are representative:

8. A computer program product comprising a non-transitory computer readable storage medium having computer usable program code embodied therewith, the computer usable program code comprising:

computer usable program code stored in a non-transitory storage medium, when said computer usable program code is executed by a processor it is operable to generate a plurality of tags by a user using a mobile electronic device;

computer usable program code stored in a non-transitory storage medium, when said computer usable program code is executed by a processor it is operable to associate the plurality of tags with a current location of the mobile electronic device; and

computer usable program code stored in a non-transitory storage medium, when said computer usable program code is executed by a processor it is operable to transmit a message including metadata associated with the current location and at least a subset of tags from the plurality of tags to a first system communicatively coupled to the mobile electronic device over a mobile communication network.

11. A system of tagging metadata associated with a current location, the system comprising:

a mobile electronic device comprising at least one processor and at least one memory, wherein the processor is adapted to:

generate a plurality of tags by a user using the mobile electronic device, wherein each of the plurality of tags comprises at least one user-defined keyword;

associate the plurality of tags with the current location of the mobile electronic device, wherein the current location has associated metadata; and

transmit over a mobile communication network, a first message including the metadata associated with the current location and at least a subset of tags from the plurality of tags to a first system communicatively coupled to the mobile electronic device.

19. A system of communicating identifier metadata associated with an identifier set, the system comprising:

a first system configured to:

access a repository having a plurality of mapped identifiers, the plurality of mapped identifiers being generated using processing of a set of inputs sent by a plurality of users of mobile electronic devices;

parse the identifier set received from a mobile electronic device communicatively coupled to the first system over a mobile electronic network;

fetch the identifier metadata associated with the identifier set from the repository having the plurality of mapped identifiers, wherein the repository is communicatively coupled to the first system; and

transmit the identifier metadata to the mobile electronic device over the mobile electronic network.

*Rejection*

Appellants appeal the following rejections:<sup>2</sup>

Claims 8–10, 19, 20, 24, 26, and 27 are rejected under 35 U.S.C. § 103(a) as unpatentable over Geurts et al. (US 2010/0287195 A1; Nov. 11, 2010). (Final Action 2–4.)

Claims 11, 12, 16–18, 21–23, and 25 are rejected under 35 U.S.C. § 103(a) as unpatentable over Geurts and Hehmeyer et al. (US 2010/0235446 A1; Sep. 16, 2010). (Final Action 4–6.)

Claims 13–15 are rejected under 35 U.S.C. § 103(a) as unpatentable over Geurts and Nairn et al. (US 2011/0191428 A1; Aug. 4, 2011). (Final Action 6–7.)

*Issues*

Appellants raise the following issues:

(A) Did the Examiner err, in the rejection of claim 8, in finding that Geurts teaches or suggests the generation of tags by a user using a mobile electronic device and the association of the tags with a current location of a mobile device?

---

<sup>2</sup> The Examiner mistakenly rejects dependent claims 17, 22, 23, and 25 under 35 U.S.C. § 103(a) as unpatentable over Geurts et al (Final Action 2–4). However, since claims 17, 22, 23, and 25 depend from claim 11, these claims are properly rejected under 35 U.S.C. § 103(a) as unpatentable over Geurts and Hehmeyer et al. Appellants’ arguments are not affected by the incorrect statement. Therefore, we address these claims as properly rejected over Geurts and Hehmeyer et al.; however, the Examiner should correct the record to reflect the proper rejection. Similarly, the Examiner does not provide a specific rejection with respect to claim 18, which also depends indirectly from claim 11. We address this claim herein, as do Appellants (Appeal Br. 18), as subject to a rejection as unpatentable over Geurts and Hehmeyer. Again, the Examiner should correct the record to reflect the rejection.

(B) Did the Examiner err, in the rejection of claim 11, in combining the teachings of Geurts and Hehmeyer?

(C) Did the Examiner err in rejecting claim 19 as unpatentable over Geurts?

(D) Did the Examiner err, in the rejection of claim 13, in combining the teachings of Geurts and Nairn?

(E) Did the Examiner err in finding that Geurts teaches a mapped resolved parsed subset of tags stored in a repository, as in claim 15?

#### ANALYSIS

*(A) computer usable program code “operable to generate a plurality of tags by a user using a mobile electronic device” and “operable to associate the plurality of tags with a current location of the mobile electronic device”*

The Examiner finds that Geurts teaches or suggests all the elements of claim 8, including code operable to generate tags by the user of a mobile device, and code operable to associate the tags with a current location of the mobile device. (Final Action 3–4; Answer 11–14.) Specifically, the Examiner finds this teaching or suggestion in Geurts’ disclosure of tagged metadata generated based on a search query message sent by a user via a mobile device, with tagged data associated with the current location of the mobile electronic device. (Final Action 2, 7–8, citing Geurts ¶¶ 5, 7, 48, 56–57, 66–69, 77–81, Fig. 2.)

Appellants first argue, with reference to the Specification, a distinction among tags, and more specifically, a difference between user-generated tags and machine-generated tags. (Appeal Br. 9–10.) Appellants further argue that Geurts does not teach either user-generated or machine-generated tags. (*Id.* at 11.) Appellants argue that, while locations are

linked to query results in the Geurts server, “[t]he locations are not indicated anywhere as being the current location of the mobile electronic device.” (*Id.* at 12.) With respect to the tags, Appellants argue that, “[Geurts provides n]o indication that a mobile device . . . includes metadata . . . tags by a user of . . . the mobile device.” (*Id.*)

With respect to Appellants’ arguments regarding user- and machine-generated tags, we find claim 8 does not require user-generated tags. Claim 8 specifies that “computer usable program code” “executed by a processor” generates “a plurality of tags by a user using a mobile electronic device.” (Claim 8.) We agree with the Examiner that the broadest reasonable interpretation of the claim language includes the generation of metadata provided from the server database, via the return of search results based on the query. (Final Action 7; Answer 3–4.) Furthermore, we agree that the generation of these tags via the search results occurs “by a user” (via the search results) and these tags are associated with the search query, which includes metadata associated with the location information of the image. (Answer 4–5.)

Appellants additionally argue that Geurts teaches “locations are linked to query results (in the server) and are used to filter the results” and that, “[t]he locations are not indicated anywhere as being the current location of the mobile electronic device.” (Appeal Br. at 12–15.) However, we agree with the Examiner that Geurts teaches, “[w]hen the image is communicated to the server database, the geographic location of the image with respect to the current location of the mobile phone” is used as part of the query. (Answer 3, citing Geurts ¶¶ 5, 13.)

We are not persuaded of error in the Examiner's finding that the disputed limitation is taught or suggested by the prior art. Therefore, we sustain the 35 U.S.C. § 103(a) rejection of independent claim 8, and of dependent claims 9, 10, 21, and 24, not argued separately. (Appeal Br. 16.)

*(B) Combination of Geurts and Hehmeyer*

Appellants reference, with respect to claim 11, a portion of the arguments regarding claim 8. (Appeal Br. 17.) These, as addressed *infra*, are not persuasive of error.

Additionally, in response to the Examiner's finding that Hehmeyer in combination with Geurts discloses the limitation of "tagged metadata comprising user defined keywords," (Final Action 5), Appellants argue that one of ordinary skill would not combine the teachings of Hehmeyer with those of Geurts as the Examiner does, because to do so would "contradict explicit (and purported advantageous) teachings of Geurts" and that no proper motivation has been provided. (Appeal Br. 18.) We are not persuaded by Appellants' arguments. The Examiner has set forth an ordinarily skilled artisan would have combined the teachings and suggestions of Geurts and Hehmeyer "to better filter unwanted generated metadata." (Final Action 5). The Examiner's Answer clarifies that an ordinarily skilled artisan would have been motivated to combine Geurts teachings with Hehmeyer's user-defined keywords to "enable a more efficient means to optimize the filtering procedure in order to find a better match to the query." (Answer 5.) In the absence of persuasive rebuttal to the Examiner's articulated reasoning, we agree with the Examiner that the use of user-defined keywords of Hehmeyer in addition to the metadata



associated with the location information would provide better matches to the query. (Final Action 5; Answer 5–6.) Appellants have not proffered sufficient evidence or argument to persuade us the combination of Hehmeyer and Geurts would contradict Geurts’ teachings.

Thus, we do not find the Appellants’ arguments persuasive of error in the Examiner’s findings with reference to this disputed limitation. Therefore, we sustain the 35 U.S.C. § 103(a) rejection of independent claim 11, and of dependent claims 12, 16–18, 22, 23, and 25, not argued separately. (Appeal Br. 18.)

*(C) Rejection of Claim 19*

Appellants argue that the Examiner’s rejection of claim 19 does not address the specific limitations of the claim. (Appeal Br. 19–20.) Appellants specifically argue that a repository of mapped identifiers, generated from processing inputs sent by users, is parsed when an identifier set is received, and identifier metadata from the repository, associated with the identifier set, is sent to the user. (*Id.* at 19.)

The Examiner finds that the disputed limitations of claim 19 are taught or suggested in the database of Geurts, in which a query element is used to identify “stored images from the database that are tagged with matching geographic coordinates (subsets of tags)” and sent to the mobile device. (Answer 3; *see also* Final Action 3.)

We agree with the Examiner’s findings and reasoning and specifically, the teachings or suggestions in Geurts and their application to the rejection of claim 19. Accordingly, we sustain the 35 U.S.C. § 103(a) rejection of independent claim 19, and of dependent claims 20, 26, and 27, not argued separately. (Appeal Br. 20.)

*(D) Combination of Geurts and Nairn*

In response to the Examiner finding that Nairn in combination with Geurts teaches or suggests the subject matter of claim 13, Appellants argue that the rationale of the Examiner for combining the prior art references is conclusory. (Appeal Br. at 20–21.)

The Examiner finds that as Nairn and Geurts both involve data stored in multiple storage formats in a repository, and that Nairn’s storage of all messages for future retrieval would provide Geurts with “a means to record and track the storing of sent inquiry messages.” (Final Action 6.) We find the Examiner has articulated reasoning with some rational underpinning why an ordinarily skilled artisan would have been motivated to combine the teachings of Nairn with those of Geurts. Appellants have not proffered sufficient evidence or argument to persuade us of error in the Examiner’s findings and reasoning. Thus, we sustain the 35 U.S.C. § 103(a) rejection of claim 13, and of claim 14, not argued separately. (Appeal Br. 21.)

*(E) Claim 15*

Appellants argue that, while the Examiner uses Geurts to teach certain limitations of claim 15, “the action previously admits that Geurts does not store tags” and thus, Appellants contend the rejection is in error. (Appeal Br. 21.) However, Appellants do not indicate which finding of the Examiner they assert to be contradictory or to contain this admission. Upon review of the findings in which the Examiner finds a limitation to be absent from the teachings of Geurts (Final Action 3, 5–6) we do not find this admission to be present, and thus we sustain the 35 U.S.C. § 103(a) rejection of claim 15.

DECISION

We affirm the Examiner's decision rejecting claims 8–27 under 35 U.S.C. § 103(a).

Pursuant to 37 C.F.R. § 1.136(a)(1)(iv), no time period for taking any subsequent action in connection with this appeal may be extended.

AFFIRMED